

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PAMELA A. JONES,

Plaintiff,

v.

WALGREEN CO., WALGREEN CO.  
INCOME PROTECTION PLAN FOR  
STORE MANAGERS, METROPOLITAN  
LIFE INSURANCE COMPANY and  
MICHAEL CAMPBELL,

Defendants.

CIVIL ACTION NO. ~~10-01739~~ 10-01739

09cv30004-MAP

**WALGREENS DEFENDANTS' MOTION FOR RELIEF FROM  
ORDER ON ATTORNEY'S FEES**

Now come Defendants Walgreen Co., Walgreen Co. Income Protection Plan for Store Managers, and Michael Campbell (collectively, the "Walgreens Defendants"), and pursuant to Rule 60 of the Federal Rules of Civil Procedure, respectfully submit this Motion for Relief (the "Motion") from the Court's Order on Attorney's Fees dated February 23, 2012 ("the Order") (Docket No. 158). The Order awards Plaintiff Pamela A. Jones ("Ms. Jones") attorney's fees in the amount of \$37,500.00 for her claim under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001 *et seq.* ("ERISA").

As grounds for this Motion, and as set forth more fully in the supporting memorandum of law filed herewith, the Walgreens Defendants state as follows: (1) Ms. Jones is not entitled to attorney's fees after August 31, 2009, the date on which Walgreens reversed its earlier decision that she did not meet the threshold eligibility requirement for benefits; (2) the Court erroneously based its fee award on an incorrect factual assumption that the Walgreens Defendants "reversed

REVIEWED. Reviewing the history of the ERISA portion of this case, including the Walgreens' Defendants' sometimes inconsistent responses, the court finds the modest fee award fair and appropriate. So ordered.

Michael Q. Pearson

USDJ

4-23-12

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